

House Bill 507
February 19, 2013
Presented by Rebecca Jakes Dockter
House Agriculture Committee

Mr. Chairman and committee members, I am Rebecca Jakes Dockter, Chief Legal Counsel of the Montana Department of Fish, Wildlife and Parks (FWP). I am here in opposition to House Bill 507.

HB 507 treats a native iconic wildlife species in Montana as livestock. The only bison that would be considered a wildlife species under HB 507 would be those that are either on tribal lands or on lands contiguous to Yellowstone National Park (YNP) in the Hebgen and Gardiner Basins, but for no more than a four year period. Beyond that wild Yellowstone bison would be relegated to livestock status.

HB 507, in creating this new category of livestock for wild bison that are outside of the contiguous Yellowstone area, would require the Department of Livestock to apply all laws and regulations imposed by the livestock industry on this wildlife species. Every law and regulation with regard to e strays, moving livestock, health certificates, stolen livestock, etc., would apply to any wild bison outside of Yellowstone and the immediate vicinity. The intent of HB 507 seems to be an attempt to solve a perceived problem with the management of wild bison when they are placed somewhere in Montana outside of the immediate Yellowstone area. What HB 507 really does is confuse the jurisdictions of two agencies and alter the current management laws from last session that have not yet had the chance to be put into effect.

Although it is quite clear in its intent to convert all bison outside of the immediate Yellowstone area into livestock, HB 507 introduces substantial confusion about how to manage those bison that migrate naturally out of Yellowstone. Section 4 on page 5, where Department of Livestock's management authority before was applied to those areas immediately outside of YNP, HB 507 would change that authority. Department of Livestock currently applies various methods for management of bison that migrate out of Yellowstone when they pose a disease threat to livestock just outside the Park. Those methods range from physically removing them through hazing to destroying them. HB 507 takes that authority away. Department of Livestock would have only inflexible authority for disease management in the areas contiguous to Yellowstone.

In addition, FWP's authority over bison that are outside of the immediate Yellowstone area is uncertain. Section 10, page 12, indicates that FWP may release or transplant wild bison to areas other than contiguous to Yellowstone *if FWP* manages the animals as bison under the livestock statutes. The provisions in section 10, page 11 that require FWP to develop a management plan for bison that are released, transplanted or allowed on private or public land in Montana are required to be developed according to livestock laws under Title 81. Yet, FWP currently has no jurisdiction over livestock in Montana. HB 507 would seemingly confer jurisdiction over bison as livestock if they are found outside of Yellowstone and the immediate contiguous areas. It is uncertain what it means for FWP to "manage the animals as bison under the provisions of Title 81."

To add to the confusion, in Section 10, page 9, under the provisions that apply to FWP's jurisdiction, there is no definition of wild bison referred to as "originating from Yellowstone national park." The definitions of the previous section 3, page 4, include wild bison under the jurisdiction of the Department of Livestock. The dueling definitions in Titles 81 and 87 confuse anyone trying to understand management of bison and roles and responsibilities of agencies. Again, this is a recipe for endless litigation.

Finally, HB 507 requires that after four years, FWP go back to bison management of past decades. That management garnered public interest and controversy across the world. Although HB 507 intends to exclude bison that are on designated year-round habitat within the immediate Yellowstone area from applicable livestock laws, it does so for only four years. The designated areas are limited to the Hebgen and Gardiner basins where bison naturally migrate from Yellowstone each year. At the end of the four-year designated period in HB 507 it is unclear how the state will manage bison naturally migrating out of YNP. When that four-year period ends, HB 507 (section 10, page 10) indicates, "... the department may not release, transplant, or allow wild buffalo or wild bison on any private or public land in Montana ..." FWP would be required to manage bison out of YNP to ensure that bison no longer come out of YNP. The only sure way to get this result is to kill every one that steps foot into Montana. You have a packet of information and articles that illustrate the level of controversy and outcry from the public when Montana killed bison exiting YNP. HB 507 puts us in the position of going back to that time of firing lines.

In summary, HB 507 creates a level of confusion and controversy that far surpasses any help that it might intend with defining and categorizing bison as livestock. FWP is currently required to develop a management plan for bison on private or public lands within Montana. FWP and Department of Livestock work together to manage bison outside of YNP under the Interagency Bison Management Plan developed and implemented by five entities that all share a responsibility for bison management. HB 507 disrupts this relationship and creates a confusing and perhaps impossibly complex dual management of bison as livestock when FWP transplants bison into other areas of the State, as rare as that may happen. HB 507 stands to create more confusion and complexity than it could hope to mend, and may only foster more litigation.

For the foregoing reasons, FWP respectfully requests a Do Not Pass on HB 507.